<u>REMARKS</u>

The present application was filed on September 23, 2003 with claims 1-21. Claims 1, 4, 7-9, 11, 14, 17-19 and 21 have been amended, and claims 5, 6, 15 and 16 have been cancelled without prejudice. Claims 1-4, 7-14 and 17-21 are pending and claims 1, 11 and 21 are the pending independent claims.

In the outstanding Office Action dated March 7, 2006, the Examiner; (i) objected to claims 4 and 14; (ii) rejected claims 1-3, 5-13 and 15-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,890,150 to Ushijima et al. (hereinafter "Ushijima") in view of U.S. Patent No. 6,519,604 to Acharya et al. (hereinafter "Acharya"); and (iii) rejected claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over Ushijima in view Acharya and U.S. Patent Application Publication No. 2003/0167259 to Casson et al. (hereinafter "Casson").

With regard to the objection to claims 4 and 14, Applicants have amended claims 4 and 14 to recite that N is a positive integer. Accordingly, withdrawal of the objection to claims 4 and 14 is therefore respectfully requested.

With regard to the rejection of claims 1-3, 5-13 and 15-21 under 35 U.S.C. §103(a) as being unpatentable over Ushijima in view of Acharya, Applicants have amended independent claims 1, 11 and 21. Applicants respectfully assert that, the cited combination fails to establish a prima facie case of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143, in that the cited combination fails to teach or suggest all the claim limitations of the amended independent claims. For at least this reason, a prima facie case of obviousness has not been established.

Amended independent claim 1 recites a method of rewriting a query during a database query processing operation. The query, having one or more target attributes, is processed in accordance with at least a portion of the data set, producing query results. The one or more target attributes and one or more auxiliary attributes from the query results are analyzed. The query is appended with at least one new predicate that corresponds to at least one of the one or more auxiliary attributes. Amended independent claim 11 recites an apparatus having similar limitations. Amended independent claim 21 recites an article of manufacture having similar limitations. Support for the

amendments to the independent claims can be found on page 4, lines 11-15, and page 5, lines 13-19, of the Specification.

Ushijima discloses techniques for enhancing the efficiency of random sampling processing in a database processing system. Ushijima describes an execution procedure in which query results are evaluated using a criterion, however it fails to disclose an analysis of both target and auxiliary attributes of the query result. Acharya discloses an approximate querying method for databases with multiple grouping attributes, but also fails to disclose an analysis of both target and auxiliary attributes of a query result. Thus the combination of Ushijima and Acharya fails to disclose the analyzing of the target and auxiliary attributes from the query results, as recited in the independent claims of the present invention.

Additionally, Ushijima describes an execution procedure in which a query statement is converted into intermediate code that can be executed in the query execution processing. While Ushijima discloses restructuring the order of operations of the query for efficiency, it fails to disclose the appending of a query with at least one new predicate. Acharya describes a method in which a query is modified through the addition of an error bound. However, an error bound is not a new predicate that corresponds to an attribute that was not included in the original query. Instead, an error bound provides limits to an existing predicate and thus is not a new predicate. Therefore, the combination of Ushijima and Acharya fails to disclose the appending of a query with at least one new predicate that corresponds to an auxiliary attribute, as recited in the independent claims of the present invention..
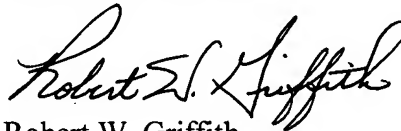
Dependent claims 2, 3, 7-10, 12, 13 and 17-20 are patentable at least by virtue of their dependency from amended independent claims 1 and 11, and also recite patentable subject matter in their own right. Dependent claims 5, 6, 15 and 16 have been cancelled without prejudice. Accordingly, withdrawal of the §103(a) rejection of claims 1-3, 7-13 and 17-21 is respectfully requested.

With regard to the rejection of claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over Ushijima in view of Acharya and Casson, Applicants respectfully assert that the cited combination fails to teach or suggest all the claim limitations. Casson discloses a system that

allows users to search for and purchase records from a common database. However, Casson fails to remedy the deficiencies of Ushijima and Acharya described above with respect to the independent claims. Therefore, the combination of Ushijima, Acharya and Casson fails to disclose the analysis of target attributes and auxiliary attributes, as well as the appending of a query with at least one new predicate that corresponds to an auxiliary attribute. Accordingly, due to the dependence of claims 4 and 14 on independent claims 1 and 11 respectively, and because claims 4 and 14 recite patentable subject matter in their own right, withdrawal of the §103(a) rejection of claims 4 and 14 is respectfully requested.

In view of the above, Applicants believe that claims 1-4, 7-14 and 17-21 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

Date: May 30, 2006

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